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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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I. General

1. Pitcairn[1] is located midway between Australia and South America at 25°S and 130°W. It comprises four islands in the western Pacific Ocean (Pitcairn, the only one of which is inhabited, Henderson, Ducie and Oeno). Although there is evidence of previous habitation by Polynesian peoples, Pitcairn was uninhabited when castaways from the HMS *Bounty* (9 mutineers and 19 Polynesians) arrived there in 1790. Today Pitcairn is inhabited by their descendants. The population of Pitcairn has been declining steadily since 1937, when it was approximately 200. According to the administering Power, on 1 January 1999 the total population of the Territory was 66. All the population live in Adamstown, the only settlement in Pitcairn. The terrain in Pitcairn is of rugged volcanic formation with a rocky coastline with cliffs.

2. The official language is English and the Pitcairn Islanders also have their own local dialect, a mixture of eighteenth century English and Tahitian.

II. Constitutional and legal developments

3. A detailed description of Pitcairn's constitutional arrangements is contained in document A/AC.109/1999/1. A summary is given below.

4. The Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970 are in effect the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Island, to whom he is accountable. In practice, the United Kingdom High Commissioner to New Zealand is appointed concurrently as Governor of Pitcairn and the responsibility for the administration of the island is accordingly vested in him and is discharged by him and officers subordinate to him.

5. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an order in council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and procedures (see paras. 11-13 below). The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them.

6. Pitcairn Islanders manage their internal affairs through the Island Council. The Council was established by the Local Government Ordinance, which confers on it the duty to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the islanders.

7. The Council is required to meet at least once a month. It now consists of 10 members: the Island Mayor (who since December 1999 has replaced the Island Magistrate as a member of the Council, see para. 8 below), elected every three years; the Chairman of the Internal Committee, who is elected annually; 4 other elected members, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; 1 nominated member, who is appointed annually by the Governor; and 2 advisory (non-voting) members, of whom 1 is appointed annually by the Governor and the other is appointed annually by the other members of the Council.

8. In December 1999, Pitcairn elected its first ever Mayor, thus ending the century-old practice of naming a Magistrate to head the local government. Steve Christian, a direct descendant of Fletcher Christian, leader of the mutiny on the HMS *Bounty*, was elected to the post. Jay Warren, who had served as Pitcairn's Magistrate until then, was named chairman of Pitcairn's Internal Committee (see para. 9 below). Mr. Warren was also asked to perform the judicial role of a magistrate if such was required in the future. Four Islanders were elected to the Pitcairn Island Council and Betty Christian was named as Island Secretary.[2]

9. The Island Council's decisions are implemented by the Internal Committee, whose formal functions are to carry out the orders of the Council and to perform such duties as the Council may direct. In practice, the principal function of the Committee is to organize and implement the public works programme, for which all adult and able-bodied Pitcairn Islanders are

responsible. The Committee comprises the Chairman and such other persons (not being members of the Council or public officers) as the Council, with the Governor's approval, may appoint.

10. The Island Secretary and other non-elected officials (e.g., the postmaster, the radio officer and the police officer) are appointed by the Governor, invariably after consultation with the Council.

11. The court system of Pitcairn includes the Supreme Court, the Subordinate Court and the Island Court. The Supreme Court consists of such a judge or judges as the Governor, acting in accordance with instructions from the Secretary of State, may from time to time appoint. It has unlimited jurisdiction in all civil and criminal matters.

12. The Subordinate Court consists of a magistrate, who is any proper person whom the Governor appoints for that purpose. The Court ordinarily has the same jurisdiction and powers in criminal cases as a magistrate's court in the United Kingdom and the same jurisdiction and powers in civil cases as a county court in the United Kingdom. There is a right to appeal in all cases to the Supreme Court.

13. The Island Court consists of the Island Magistrate and two councillors. Its jurisdiction is limited to offences that are committed within the islands or in territorial waters by residents of the Territory in contravention of the Island Code, and civil actions. The Island Court is rarely required to sit.

14. Pitcairn's Constitution, as embodied in the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970, does not contain any provisions expressly guaranteeing human rights, nor has any formal machinery been established specifically for that purpose.

15. For the most part, however, the legal protection of the human rights of Pitcairn Islanders does not depend on specific legislation but it is assured through the enforcement by the local courts of the basic principles of the law in force on the island, which follow the same basic principles as the laws of the United Kingdom.

16. The violation of the rights of any person is justiciable by way of injunction and damages in the Supreme Court. In addition, individuals subject to Pitcairn jurisdiction have direct rights of recourse to the United Nations Human Rights Committee, as a result of the accession by the Government of the United Kingdom on behalf of Pitcairn to the Optional Protocol to the International Covenant on Civil and Political Rights.

17. The Governor has the ultimate responsibility for overseeing the implementation of human rights in Pitcairn. Any complaint of unlawful or oppressive action by any government official or authority can be raised with him, either directly or through one of his subordinate officers, and will be investigated thoroughly. If the complaint proves to be well founded, he has the power to take appropriate remedial measures.

18. The laws in force in Pitcairn, including any specifically relating to human rights, are published by the Government of the United Kingdom and are accessible to all on the island through the Island Secretary's office.

19. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Commissioner.

III. Economic conditions

20. Pitcairn's principal sources of income are stamp sales and revenue from interest and dividends. It is estimated that Pitcairn earns US$ 500,000 annually from the sale of stamps.[3] In 1997/98, income for the year was $NZ 491,838 and expenditures were $NZ 666,799, leaving a deficit of $NZ 174,961. Although there is no taxation in the Territory, each person between the ages of 15 and 65 is required to perform public work each month in lieu of taxation.

21. The Territory's private sector economy is based on subsistence agriculture and fishing and the sale of handicrafts, mainly to passing ships. Bartering is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables, including citrus, sugar cane, watermelons, bananas, yams and beans. Fish is the main source of protein in the Islanders diet. Pitcairn exports fruits, vegetables and handicrafts and imports fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The Territory also exports honey, which is reported to have been found by the New Zealand Ministry of Agriculture and Forestry to be an exceptionally pure product. Recently Pitcairn has

begun to develop a dehydrated fruit industry; it now exports dried bananas, mango and pineapple and is said to be preparing to export jams, dried fish and coffee. Pitcairn's food export business is expected to add substantially to the Territory's economy.[4] To protect Pitcairn's developing agriculture industry, all honey and other bee products, used bee-keeping tools and equipment are banned from entry into Pitcairn. Pitcairn's products are sold in New Zealand and the United States of America and a Pitcairn Island Producers' Cooperative has been established to handle marketing.[4]

22. The island of Oeno, 80 nautical miles north-west of Pitcairn, is the primary source for prized miro wood, which is the wood preferred for hand-carved Pitcairn handicrafts. The island of Henderson, which is difficult to access, is the largest of the group and the most productive of the three satellite islands. Semi-annual trips are conducted by the Islanders when substantial quantities of miro wood are required. The Islanders also make the voyage to Oeno, known as their "holiday island" once a year for a week of fishing, gathering coconuts and shells. Traditionally, the fish caught in these expeditions is shared equally among the families in the Territory.[2]

23. According to reports, the Pitcairn Investment Fund, based on the sale of Pitcairn stamps, which has long provided financial subsidies for high-cost needs such as utilities, travel to New Zealand for medical treatment and transporting supplies to the Territory, is in danger of depletion within three years. According to the administering Power, Pitcairn's financial situation has slowly worsened as its expenditures have exceeded revenue over recent years; withdrawals to cover these deficits have diminished the Fund further.

24. In order to extend the life of the Fund, the Pitcairn Islanders have chosen a modified subsidy plan. They have voted to allow a more than doubling of their electrical charges and the initiation of ocean freight charges on items that were once free of charge or heavily subsidized.[5] The administering Power has indicated that in considering options for strengthening the Fund it was decided to project a 10-year financial framework plan. The intention is that the financial framework will include a review of ideas for Pitcairn to maximize its revenue and minimize its costs. The framework has not yet been finalized and work continues in this respect.

25. A new economic plan, put in operation at the beginning of 2000, provides help to Pitcairn's pensioners and families with children. The plan will be reviewed at the end of six months to assess its effect. The Territory's new economic plan was developed by Pitcairn Commissioner Leo Salt in concert with an economist and an official from the United Kingdom Department for International Development. If the plan accomplishes what is expected, the Pitcairn Investment Fund will remain solvent for 10 years. According to Commissioner Salt, income received beyond current projections may increase allowances for paid positions in Pitcairn. One possibility is income the Territory may receive through a recent recapturing of its Internet domain registry (".pn"), by action of the United States Government and the Internet Corporation for Assigned Names and Numbers. Another attempt to increase the Investment Fund will include vigorous efforts to increase the sale of Pitcairn's stamps throughout the world. Yet another possibility for additional income is the resurgence in the number of cruise ships calling at Pitcairn. Currently, 10 such vessels are scheduled to call at Pitcairn during the year, where in the past only two or three such visits were made annually.[6]

26. The electrical rate increase may have a negative impact on a budding industry in locally produced dehydrated fruits and honey. Some Pitcairn Islanders have ordered propane heaters, but the cost of shipping supplies is also high. The Islanders were charged 20 cents (NZ) per electrical unit, while the cost to the Investment Fund was 50 cents per unit, not including the cost of parts and maintenance of electrical generating equipment. With the growth of the fruit drying industry, the expenses covered by the fund became even greater. The possibility of using solar fruit dryers is being studied.[5]

27. The control of land on Pitcairn, long held by individuals, is slated for future government control. The reason given for this change is that the Government will be better able to care for the upkeep of absentee landlord properties as a number of former residents who continue to hold title to land on the island have moved abroad.[7]

28. A cooperative store, established in 1967, is open three times a week for a short period. Basic food commodities are obtainable when supplies are available. Flour, eggs, meat and butter are provided if ordered several months in advance as they must be imported from New Zealand.

29. Diesel-driven generators provide 240-volt electric power for approximately four hours each evening and for two hours each morning. A simple telephone system operates in the Territory. Overseas communications are maintained through surface mail and, since 1992, via satellite (telephone, fax, telex). Pitcairn recently released a trial set of phone/fax cards for the new satellite communications. The Pitcairn Radio Station is operational between the hours of 1800 and 0530 GMT.

30. Visitors to Pitcairn must first obtain from the Office of the Commissioner for Pitcairn Island in New Zealand a licence to land and reside there. Licences are valid for six months but may be renewed for further similar periods by the Governor. The Island Mayor, subject to the direction of the Governor, is empowered to permit ashore crew members and passengers of any visiting vessel.

31. Access to Pitcairn is possible only by sea and usually by container vessels plying between New Zealand and the United Kingdom or the eastern seaboard of the United States or the Caribbean, via the Panama Canal. Such vessels are expected to call northbound approximately three times a year, but there is no regular, scheduled service. There are no hotels or guest houses, but accommodation for visitors may be arranged with one of the Territory's families on prior application to the Island Magistrate.

32. All roads are unpaved. Motorcycles provide a frequently used mode of transport. Discussion on the possibility of building an airstrip on Pitcairn has continued for several years. As previously reported, a study commissioned some years ago determined that there would be no great technical difficulties in constructing an airstrip sufficient for light aircraft to make the 1,000 kilometre round trip from French Polynesia to Pitcairn. In April 1999, it was reported that after a visit to the Territory, the Governor of Pitcairn, Martin Williams, had said the Territory was likely to get an airstrip. He mentioned that an official from the United Kingdom Department of International Development had looked at the most promising site for an airstrip of up to 1,980 feet. He said that the operating arrangements needed to be worked out but he hoped the airstrip would be approved in 1999.[8] No further information was available to the Secretariat on this matter.

IV. Social and educational conditions

33. The population of the Territory is self-employed, but allowances and wages are paid to members of the community who participate in local government activities and who perform communal services. Information available indicates that in 1998 there were eight working men. This development is viewed with concern by the islanders since it takes four men to handle the big boats that go out to meet passenger ships.[5] According to an information sheet provided by the Office of the Commissioner for Pitcairn Island in New Zealand, the only jobs in the Territory are government posts normally reserved for permanent residents of Pitcairn. There are no banking facilities, but personal cheques and traveller cheques may be cashed at the Island Secretary's office (see para. 8).

34. Education is free and compulsory for all children between 5 and 15 years of age. The school is operated and financed by the Government. Instruction is in the English language and is based on the New Zealand standard curriculum. A trained teacher is recruited in New Zealand, normally for a two-year term. In 1996, it was reported that school enrolment was 13 students. Post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Most Pitcairn Islanders are members of the Seventh Day Adventist Church, which is the only church on the island.

35. The general health of the community is entrusted to a registered nurse working out of a government dispensary. Registered medical practitioners are employed from time to time for periods of between two and six months. The population also benefits from the services of visiting doctors travelling on ships that stop at the island. There is no doctor permanently stationed on Pitcairn.

36. A British police officer spent two months in Pitcairn in 1997 to organize law enforcement on the island. The police officer set up a traffic code for the Territory's roads and reviewed other procedures. The Territory is reported not to have had trained or experienced police for several years.

V. Future status of the Territory

A. Position of the administering Power

37. On 6 October 1999, the representative of the United Kingdom made a statement before the Fourth Committee.[9] The representative said that over the past year her Government had made further progress in its efforts to transform its relationship with its overseas Territories into a fully modern partnership, based on four fundamental principles: self-determination, mutual obligations, freedom for the Territories to run their affairs to the greatest degree possible and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies.

38. Among the measures being taken was the decision to offer British citizenship and the right of abode to those people of the overseas Territories who did not already enjoy it, thus meeting a long-standing request of the peoples of the Territories. Additional steps had been taken to encourage good governance in the Territories through improved regulation of financial services to meet internationally acceptable standards. Enhanced measures were also being studied to combat drug trafficking, and to encourage reform of local legislation in some Territories to comply with the same standards of human rights as the United Kingdom. The United Kingdom would also continue to support strengthened measures and devote resources for sustainable economic development and environmental management and protection in the overseas Territories.

39. Those efforts clearly demonstrated her Government's continuing firm commitment to a new and strengthened relationship with the Territories, and its serious view of its responsibilities under the Charter of the United Nations. For the United Kingdom the wishes of the peoples concerned, exercised in accordance with the other principles and rights set out in the Charter and in other international treaties, were of paramount importance. The United Kingdom had always affirmed that it was prepared to consider any proposals about their future put forward by the peoples of the Territories themselves. Self-determination thus remained one of the fundamental principles that guided her Government's relationship with the Territories. Her Government therefore found it regrettable that the Special Committee continued to apply that principle selectively.

B. Consideration by the General Assembly

40. On 6 December 1999, the General Assembly adopted without a vote resolutions 54/90 A and B. Section VIII of resolution 54/90 B on 11 Non-Self-Governing Territories is specifically devoted to Pitcairn.

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, on 20 April 1998 and from published sources and Pitcairn Web sites.

[2] *Pitcairn News*, 30 November and 11 December 1999, Web site, from the Web site of the Pacific Union College, Angwin, California (http://library.puc.edu/pitcairn), Pitcairn Islands Study Center.

[3] *Pacific Islands Report*, February/March 1999, from the Web site of the Pacific Islands Development Program, East-West Center, Center for Pacific Islands Studies, University of Hawaii, Manoa, Hawaii (http://pidp.ewc.hawaii.edu/pireport).

[4] *Pitcairn News*, 10 November 1999.

[5] Ibid., 5 January and 22 February 2000.

[6] Ibid., 22 February 2000.

[7] Ibid., 5 January 2000.

[8] *Pacific Islands Report*, 9 April 1999.

[9] A/C.4/54/SR.5.